

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MICHAEL L. ANAYA, pro se,

Plaintiff,

v.

CIV 13-0794 KBM

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. On January 23, 2014, this Court issued an Order Setting Briefing Schedule (*Doc. 21*) requiring Plaintiff to file his Motion to Remand by 3/24/14. No such motion has been filed with the Court. Thus, there appears to be a manifest lack of interest on the part of Plaintiff in litigating this matter.

The Court has the inherent power to impose a variety of sanctions on litigants in order to, among other things, regulate its docket and promote judicial efficiency.

Martinez v. Internal Revenue Service, 744 F.2d 71, 73 (10th Cir. 1984). One such sanction within the discretion of the Court is to dismiss an action for want of prosecution. *E.g.*, *Nat'l Hockey League v. Metro. Hockey Club, Inc.*, 427 U.S. 639, 642-43(1976); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962); *see also Costello v. United States*, 365 U.S. 265, 286-87 (1961) (district court may dismiss *sua sponte* for failure to comply with order of court); *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 855 (10th Cir. 2005) ("dismissal is an appropriate disposition against a party who disregards court orders and fails to proceed as required by court rules."); *see also, e.g., United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 856 (10th Cir.

2005) (“We . . . dismiss the appeal *sua sponte* as to both Appellants for lack of prosecution as reflected by their failure to respond to our order requiring a timely status report to prevent dismissal. . . . Dismissal of the appeal is a strong sanction to be sure, but it is no trifling matter for Appellants to abuse our office by disappearing and failing to meet our deadlines. The federal courts are not a playground for the petulant or absent-minded; our rules and orders exist, in part, to ensure that the administration of justice occurs in a manner that most efficiently utilizes limited judicial resources.”).

Based on Plaintiff’s failure to comply with the Court’s Order and the lack of activity in this case, he will be required to show cause why this case should not be dismissed.

Wherefore,

IT IS HEREBY ORDERED that no later than May 27, 2014, Plaintiff shall file with the Court a response to this order showing cause why this case should not be dismissed and must serve a copy on respondents. **Plaintiff is also hereby notified that failure to respond to this Order will result in dismissal without further notice.**



UNITED STATES CHIEF MAGISTRATE JUDGE
Presiding by Consent